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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,560	12/07/2001	Alexander C. Loui	83799SLP	8608

· 7590 04/18/2007
Eastman Kodak Company
343 State Street
Rochester, NY 14650-2201

EXAMINER

SIDDIQI, MOHAMMAD A

ART UNIT	PAPER NUMBER
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2154

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/020,560

Applicant(s)

LOUI ET AL.

Examiner

Mohammad A. Siddiqi

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-53 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (US 2002/0087622) hereinafter (Anderson) in view of Redd et al. (6,646,754) (hereinafter Redd).

4. As per claim 1, Anderson discloses a method of producing a multimedia media, comprising the steps of:

(a) using a software program (pages 2-3, paragraph #17, #24, #27-#29) at a first location (16, fig 1) to select and arrange a plurality of digital images in a user-identified order (202, 204, fig 4) to produce a multimedia (page 3, paragraph 36) composition comprised of the plurality of digital

images (image-related web application, 100, fig 2A; pages 2-3, paragraph #17, #24, #27- #29);

(b) using the software at the first location (browser-based meta application architecture, 16, fig 1) to transform and encode the multimedia composition to produce a digital multimedia bit-stream (capturing and displaying images, page 1, paragraph 9, page 2, paragraph #26; page 3, paragraph 36);

(c) accessing the digital multimedia bit-stream at the first location to view the digital multimedia bit-stream (allowing photo-service websites to receive and send images, page 2, paragraph #24);

(e) transmitting the digital multimedia bit-stream to a second location remote from the first location (transmitting to photo service site, 12, 18, fig 1, page 2, paragraph 25);

Anderson does not specifically disclose (d) generating an order request to create the multimedia media comprised of the digital multimedia bit-stream; and (f) fulfilling the order request. However, generating an order, transmitting the order from one location to second and fulfilling order are well known in the photo service art. For example, Redd discloses (d) generating an order request to create the multimedia media comprised of the digital bit-stream (fig 3A, 3B); and (f) fulfilling the order request (406, fig 5). It would have been obvious to one of ordinary skill in the art at the

time of the invention was made to combine the teachings of Anderson and Redd. The motivation would have been providing central photo service sites which can be accessed from a wide range of client devices.

5. As per claim 2, the claim is rejected for the same reasons as claim 1, above. In addition, Anderson discloses using the software program at the first location to arrange a second plurality of digital images to produce a second multimedia composition (page 2, paragraph #17 and #18); using the software program at the first location to encode the second multimedia composition to produce a second digital bit-stream (capturing and displaying images, page 1, paragraph 9, page 2, paragraph #26); and transmitting the order request to the service provider to create the multimedia media comprised of the digital bit-stream and the second digital bit-stream (transmitting to photo service site, 12, 18, fig 1, page 2, paragraph 25).

6. As per claim 3, the claim is rejected for the same reasons as claim 1, above. In addition, Redd discloses prior to transmitting the order request, using the software program to modifying the arrangement of the plurality of digital images (fig 1, first, second and third pass).

7. As per claim 4, the claim is rejected for the same reasons as claim 1, above. In addition, Redd discloses, prior to fulfilling the order request, providing payment for the multimedia media (fig 3E, 406 fig 5).

8. As per claim 5, the claim is rejected for the same reasons as claim 1, above. In addition, Redd discloses payment is provided by providing a credit card number (fig 3E).

9. As per claim 6, the claim is rejected for the same reasons as claim 1, above. In addition, Redd discloses using the software program at the first location to include audio material associated with a portion of the plurality of digital images of the multimedia composition (col 7, lines 16-21).

10. As per claim 7, the claim is rejected for the same reasons as claim 1, above. In addition, Redd discloses using the software program at the first location to include textual information with the plurality of digital images to produce the multimedia composition (col 7, lines 10-21).

11. As per claim 8, the claim is rejected for the same reasons as claim 1, above. In addition, Anderson discloses digital bit-stream is low resolution

(page 5, paragraph #51).

12. As per claim 9, the claim is rejected for the same reasons as claim 1, above. In addition, Redd discloses of transmitting an electronic message indicative of the fulfillment of the order request (406, fig 5).

13. As per claim 10, the claim is rejected for the same reasons as claim 1, above. In addition, Redd discloses generating an order request (404 fig 5); and transmitting an electronic message indicative of the generation and transmission of the order request (fig 5, fig 6).

14. As per claim 11, the claim is rejected for the same reasons as claim 1, above. In addition, Anderson discloses (b) the user transmitting the multimedia composition to a service provider located at a second location remote from the first location (12,18 fig 1);

15. As per claims 12-20, claims are rejected for the same reasons as claims 11 and 2-10, above.

16. As per claim 21, the claim is rejected for the same reasons as claim 11, above.

17. As per claim 22, the claim is rejected for the same reasons as claim 11, above. In addition, Anderson discloses (a) a user located at a first location accessing a thumbnail version of each of a plurality of digital images located at a second location remote from the first location (page 5, paragraph #51);

(c) the user transmitting the multimedia composition script to a service provider located at the second location (page 1, paragraph #9; page paragraph #37);

18. Claims 23 -31, claims are rejected for the same reasons as claims 22, and 2-10, above.

19. As per claim 32, the claim is rejected for the same reasons as claim 22, above.

20. As per claim 33, the claim is rejected for the same reasons as claim 22, above. In addition, Redd discloses (a) providing a service provider with a undeveloped exposed film roll at a remote site for development to produce a plurality of digital images (col 1, lines 19-30);

21. As per claims 34-42, claims are rejected for the same reasons as claims 33 and 2-10, above.

22. As per claims 43-53, claims are rejected for the same reasons as claims 22-31, above.

Response to Arguments

23. Applicant's arguments filed 01/25/2007 have been fully considered but they are not persuasive, therefore rejections to claims 1-53 is maintained.

24. Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

25. In general, Applicant's arguments reflect a difference of opinion over the teachings of the prior art and how these teachings would be evaluated in light of the knowledge generally available to those in the appropriate art and the level of ordinary skill in the art (photo service). Moreover, Applicant's take an overly narrow view of the claim language.

26. In the remarks applicants argued that:

Argument: Anderson does not disclose using a software program at a first location to select and arrange a plurality of digital images in a user-identified order to produce a multimedia composition comprised of the plurality of digital images.

Response: Anderson discloses using a software program (browser based architecture, paragraph 24-29). meta application at a first location (16, fig 1, pages 2-3, paragraph #17, #24, #27- #29) to select and arrange a plurality of digital images in a user-identified order (202,204, fig 4) to produce a multimedia (page 3, paragraph 36) composition comprised of the plurality of digital images (Album, pages 2-3, paragraph #17, #24, #27- #29, #31). Redd discloses (d) **generating an order request** to create the multimedia media comprised of the digital bit-stream (fig 3A, 3B); and (f) **fulfilling the order request** (406, fig 5). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the

teachings of Anderson and Redd. The motivation (Photo service, fig 1, Anderson) would have been providing central photo service sites which can be accessed from a wide range of client devices.

Conclusion

27. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A. Siddiqi whose

telephone number is (571) 272-3976. The examiner can normally be reached on Monday -Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NATHAN FLYNN
SUPERVISORY PATENT EXAMINER



MAS